

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SOP-PCT-8	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/FR2004/000854	International filing date (day/month/year) 06.04.2004	Priority date (day/month/year) 16.04.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant SAS GEYSER			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000854

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:

pages 1-8 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

nos. 1-9 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

the drawings:

sheets 1/5-5/5 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/FR2004/000854Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1 - 9	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1 - 9	NO
Industrial applicability (IA)	Claims	1 - 9	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: WO-A-99 46593 (BAXTER INTERNATIONAL INC) 16 September 1999

D2: US-A-5 438 510 (DEKA PRODUCTS) 1 August 1995

D3: US-A-5 629 871 (CABE LABORATORIES) 13 May 1997

D4: DE-A-195 18 621 (DENTSCHKE MEDIZINTECHNIK) 28 November 1996

2. Independent claims 1 and 8 - lack of inventive step

2.1 Document D1 describes a method for monitoring and recording incidents arising during the operation of a medical device consisting of a medical insufflator, wherein:

[page 2, lines 8-18]

- operating parameters of the medical apparatus in question are continuously measured, monitored and recorded while storing the parameters measured in a predetermined number of apparatus operating cycles or a predetermined number of most recent apparatus operating cycles or a sliding operating

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

period having a predetermined duration;

[page 24, lines 19-35]

- when an operational incident is detected, the data recorded at the time the incident occurred and the data recorded in the periods before and after the incident are stored in a memory [page 27, lines 10-31; page 28, lines 10-21].

2.2 It follows that the subject matter of claim 1 differs from this known method in that it involves detecting any malfunction of the components of the medical apparatus at the time the apparatus is started up, and recording the detected component failures. The problem that the present invention is intended to solve can thus be considered to be that of recording not only incidents that occur during the operation of the apparatus but also those that arise as soon as the apparatus is switched on.

An initialisation session in which each component of a sensitive electronic apparatus is individually tested is a measure known to persons skilled in the art. Document D2 teaches a medical apparatus subjected to an initialisation procedure of this kind (see column 26, lines 54-56), which causes the apparatus to be switched off immediately in the event of a fault being detected. A person skilled in the art seeking to record any kind of fault would combine the method as per document D1 with an initialisation procedure as proposed in document D2, and would

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

naturally consider that any fault detected in the course of the initialisation procedure constitutes an event to be recorded.

- 2.3 Since the subject matter of independent claim 8 includes no further features, the same discussion applies to claim 8 as well.
- 2.4 Consequently, the subject matter of claims 1 and 8 of the present application is not considered to involve an inventive step (PCT Article 33(3), Rule 56).

3. Dependent claims

Dependent claims 2 to 7 and 9 do not contain any features which, when combined with the features of any one of the claims to which they refer, might define subject matter that complies with the requirements of inventive step of the PCT. The additional features in these claims are all part of the general knowledge of persons skilled in the art of controlling and monitoring electronic equipment.